



**DECLARATION AND POWER OF ATTORNEY
FOR A PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor, together with the other listed inventors, of the subject matter which is claimed and for which a patent is sought on the invention entitled RECOMBINANT MYCOBACTERIA OVEREXPRESSING D-ALANINE LIGASE GENE AND USES THEREFORE, the specification of which was filed on December 17, 2003 and is United States Patent Application Serial No. 10/738,938.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or Sec. 365(a) of any Patent Cooperation Treaty (PCT) international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed

None

I hereby claim the benefit under 35 United States Code Sec. 119(e) of any United States provisional applications listed below:

Provisional U.S. Application Serial No. 60/434,200, filed December 17, 2002.

I hereby claim the benefit under Title 35, United States Code, Sec. 120 of any United States application(s), or Sec. 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Sec. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

None.


I hereby appoint Nancy T. Morris, Reg. No. 42,017; James H. Marsh, Jr., Reg. No. 24,533; J. David Wharton, Reg. No. 25,717; Penny R. Slicer, Reg. No. 34,017; Susan J. Wharton, Reg. No. 41,524; Judith L. Carlson, Reg. No. 41,904; Lana M. Knedlik, Reg. No. 42,748; Kelly S.K. Elsea, Reg. No. 43,604; Andrea F. Sellers, Reg. No. 44,102; Christopher D. Brandt, Reg. No. 44,556 and Mark C. Young, Reg. No. 48,670, at the Customer Number listed below, namely Stinson Morrison Hecker LLP, 1201 Walnut, Suite 2800, Kansas City, Missouri 64106-2150, telephone (816) 842-8600, as my attorneys, with full power of substitution, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent Office connected therewith in my behalf.

DIRECT ALL CORRESPONDENCE TO: CUSTOMER NUMBER 27910

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FIRST NAMED INVENTOR:

Raul G. Barletta

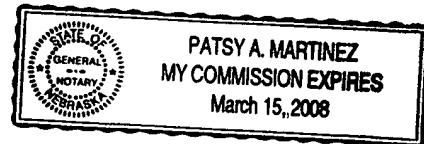

(signature) _____ Date: 6-23-04

Mailing Address: 6623 Shenandoah Court, Lincoln, Nebraska 68510
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Residence: Lincoln, Lancaster County, Nebraska
United States of America

Citizenship: United States of America

Patsy A. Martinez, Attorney
6/23/04





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CO-INVENTORS:

Zhengyu Feng

(signature) [Signature] Date: 07/12/2004

Mailing Address: 1632 West 6th Street, #C, Austin, Texas 78703
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United States of America

Citizenship: Peoples Republic of China

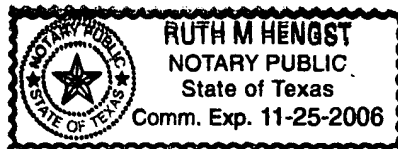
State of Texas

County of Travis

This instrument was acknowledged before me on July 12, 2004
by Zhengyu Feng

[Signature]

Ruth M. Hengst
Notary Public



My commission expires 11/25/2006